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Prepared for what?

Belfast Solicitors Association
Continuing Professional Development
19th October 2007

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Structure

Modernity and Social Transformation

Changing Perceptions of Risk

The Changing Response to Disastrous Events

Conceptualising the Changes

Terrorism and climate change - a legal approach?

Modernity and Social Transformation

Industrial Revolution – massive social change – rural to urban – human mastery of nature

Traditional structures gradually eroded and replaced by the Modern State

Post WW II rapid social change – shift from full to part time employment for blue and white collar workers, erosion of lifetime employment, women entering the workforce.

The information age - an educated, skilled and mobile workforce increasingly questioned the relevance and legitimacy of existing structures – Reflexive Modernity

“No such thing as society” - Thatcher

Changing Perceptions of Risk

From Class Society to Risk Society

“I am hungry” to “I am afraid”

Despite technology being part of everyday life
we are still fearful of technological innovations –
Chernobyl

Beck highlights 3 issues:-

Undetectable by human sensory perception - radiation

Inter-generational – climate change

Compensation – rocketing insurance costs

Changing Perceptions of Risk

Trust in officialdom is low:-

BSE – caught in a lie

Windscale – shown to cover up

Iraq Dossier – caught cheating

Managing risk requires trust – governments recognise the problem but are struggling to find a solution

The Changing Response to Disastrous Events

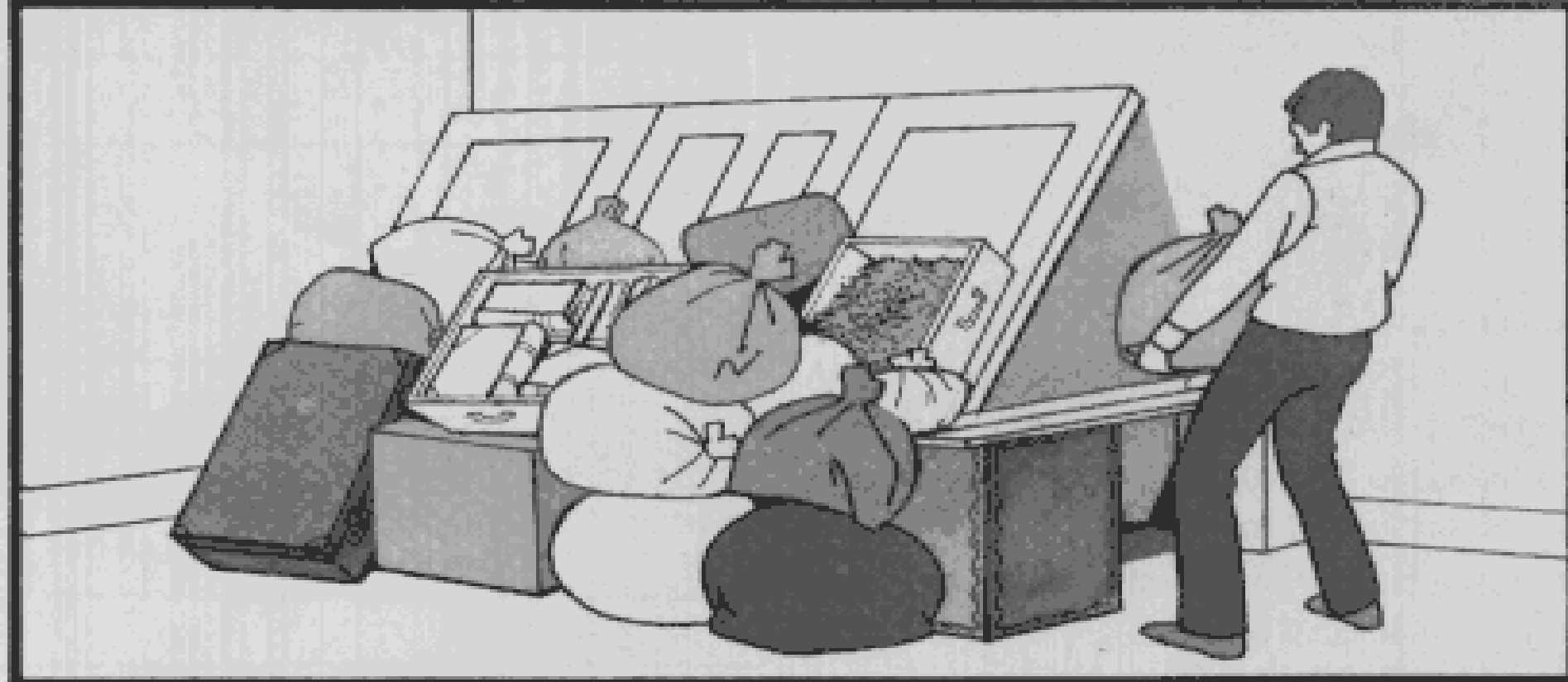
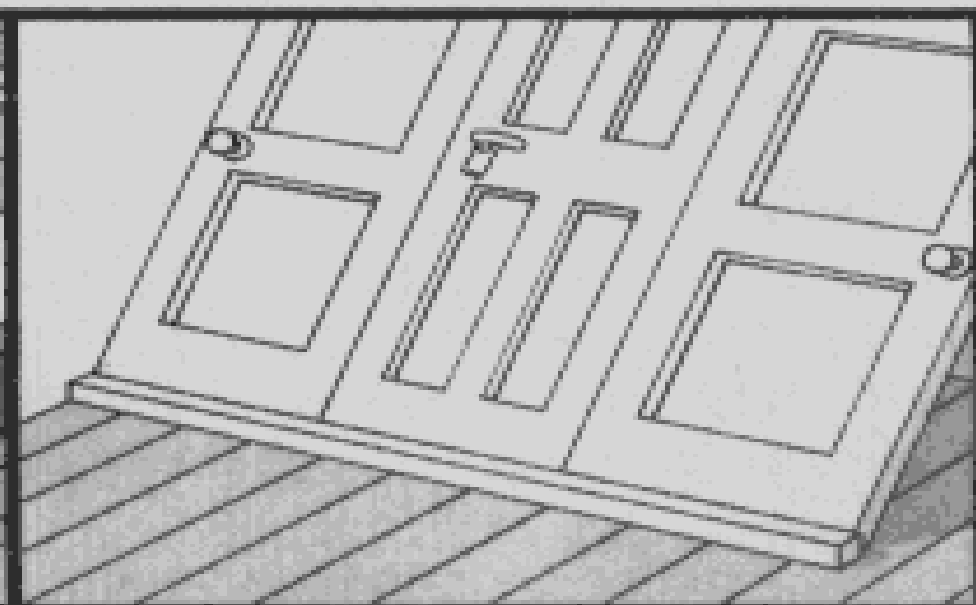
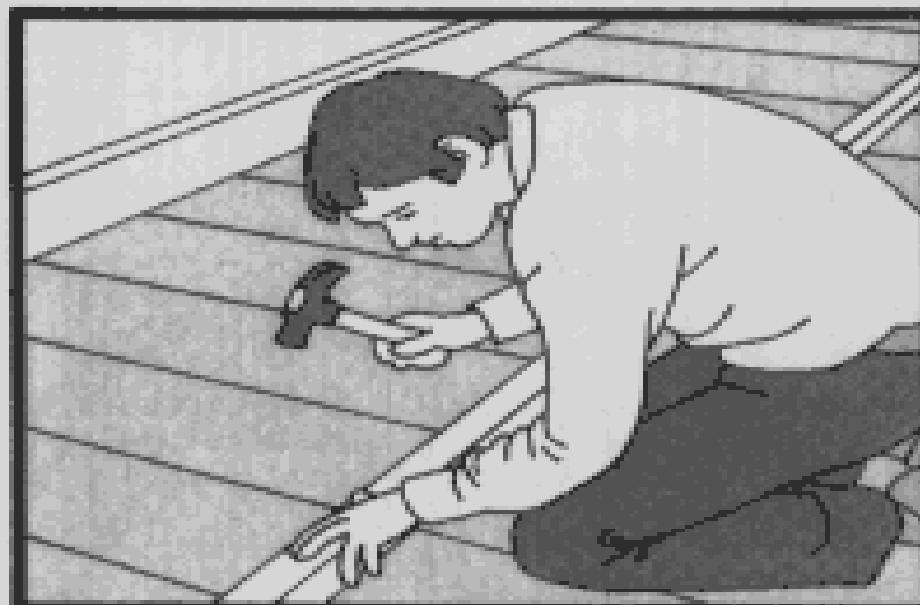
Everyday risk managed through a regulatory framework

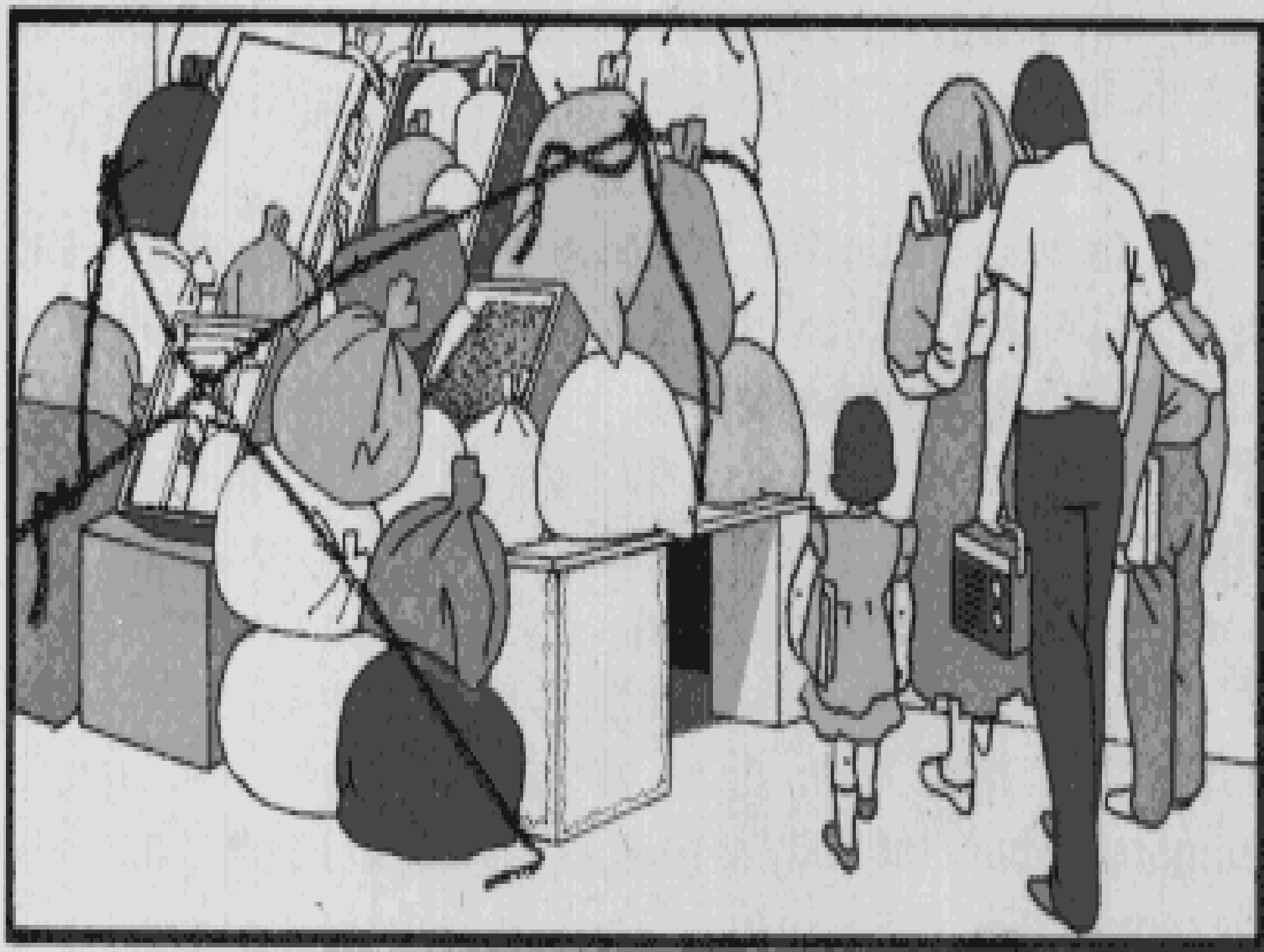
Civil protection predicated on a nuclear attack

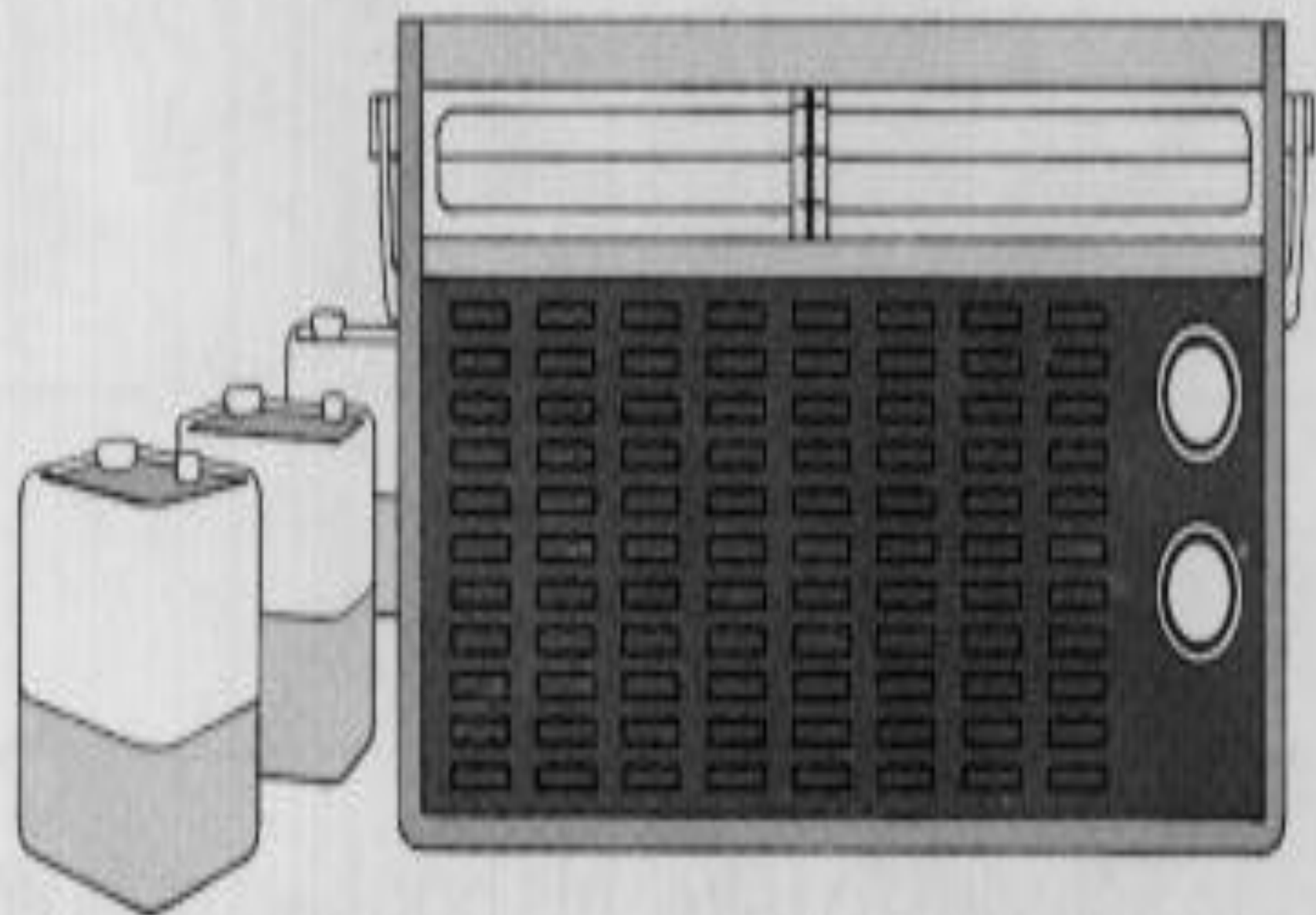












The Changing Response to Disastrous Events

Everyday risk managed through a regulatory framework

Civil protection predicated on a nuclear attack

Shifted from a defence to a civil focus with
the ending of the bi-polar era

But the gap in trust continued to grow:-

BSE – “don’t believe it until it has been officially denied”

Y2K, Floods, Fuel blockade and FMD propelled government
into action – review launched in June 2001 but
overshadowed by 9/11

The Changing Response to Disastrous Events

Civil Contingencies Act – influenced by 9/11 with a focus on terrorism and security and institutional resilience
– more funding but mainly for intelligence and equipment for CBRN terrorism

UK no stranger to terrorism but response has moved from rings of steel and concrete (fortification) to surveillance – militarized cities?

CCTV, DNA and fingerprint databases, lifestyle trackers through credit and loyalty cards, ANPR, GPS technologies and mobile phone logs – civil liberties and privacy?

The Changing Response to Disastrous Events

Disturbing trend – surveillance implies lack of trust – the “state” in “us” and “us” in each other - social cohesion relies on trust – a slow form of social suicide?

Moved from defence to civil back to defence and now to surveillance, securitization and militarization

Disturbing rhetoric - “War on Terror”

“London is not a battlefield.

there is no such thing as a ‘war on terror’.”

Sir Ken Macdonald QC, the Director of Public Prosecutions

Similar developments in USA – Homeland Security

Conceptualising the Changes

Moved to an institutional focus not a people focus

Potential to generate a climate of fear and distrust

Preparedness is a partnership between government and public

Despite governments efforts to improve risk communication
levels of trust remain low

Given this schism how ready are we for the problems we face?

Future Challenges

Climate change – increasing evidence:-

2003 heat wave in Europe – 35 000 deaths

2005 hurricane Katrina – 1800 deaths, \$80bn damages

2007 UK floods - £3bn damages, Blue Tongue – climate sensitive mosquito

Terrorism – unlikely to cease in near future

What do we do?

Should we continue on the present path or ...

should we try a new approach?

Future Challenges

In a globalised world and global risk society does International Law offer an opportunity?

Climate change risk reduction through a legal structure –
The Kyoto Protocol

Has many shortcomings but international community striving to develop a fair and equitable successor

Terrorism could equally be dealt with through International Law – it is being tried, it is proving difficult but...

... would it be better than risking sliding into a more divided and fearful society?

Concluding Comments

"The significant problems we face cannot be solved at the same level of thinking we were at when we created them"

Albert Einstein

Politicians often ask us for our trust – perhaps they should start to trust us

Could a rights-based approach provide a solution?

“Justiciable Rights and Entitlements” versus “Political Promise”

Thank You

